

**Idaho Fish and Game Commission  
Special Meeting  
March 1-3, 2006**

**March 1, 2006**

**RULES**

**Public Hearing**

Chairman Wheeler called the meeting to order at 7:06 p.m. and introduced Commissioners Watts, Power, Wright, Gibbs, Irby, and McDermott. Director Huffaker introduced staff. The Chairman recognized Representative Bert Stevenson who was in attendance.

Glenn Ruckdashel of Boise commented that the Forest Service not Fish and Game should set rules regarding ATVs. The Department's proposed rule does not address recreational ATV users, but not all people who have ATVs use them for hunting and a lot of people use them for both. Any rules and restriction should apply across the board. Mr. Ruckdashel asked what was driving the proposed restrictions.

The Chair indicated that there would be a full discussion of the issue at the meeting tomorrow. The Director commented that staff was present to answer individual questions after the meeting.

Tor Andersen, spoke in support of some restrictions on ATV use for hunting. The constant drone of ATVs and hunters who drive off trail impact his freedom to go out and experience a natural hunt and enjoy nature. Mr. Andersen advocated a balanced approach and commented that it would be nice to see some hunting Units where ATVs aren't allowed.

Mike Roberts understands how some people abuse ATVs just like some abuse fishing and hunting privileges. However, he feels that the Forest Service has adequate rules in place that ought to be enforced. It would be a mistake for Fish and Game to promulgate rules that it doesn't have the manpower to enforce. The Forest Ranger or BLM district manager ought to enforce the existing rules. He is adamantly opposed to the Department's proposed ATV regulations.

Karen Crosby is a recreational ATV owner and belongs to ATV organizations. Her concern is that Fish and Game's restrictions will continue to expand around the state. Ms. Crosby asked how many of the tickets issued for violations have been successfully prosecuted. She advocated an effort of organized and non-organized users to educate the public and provide effective communication. Ms. Crosby also suggested user focus groups to work on ways to address the issue.

Chuck Hoovestol commented that the ATV restrictions are punishing law abiding sportsmen and are not fair. He feels the rules in place should be enforced and ATV violations are no different than poaching violations. If penalties were harsher, people would not take the risk of violating the restrictions. He suggested that the penalty for off-trail ATV use or shooting from an ATV result in loss of equipment, right to hunt, etc. Then there would be no need for a blanket rule.

Rusty Faircloth, President of the Mountain Home ATV chapter, commented that his organization's charter is to keep trails open for all. They advocate responsible use of ATVs and working with the Forest Service, BLM, Parks & Recreation and Fish and Game to continue to keep roads and trails open. Mr. Faircloth is a disabled vet and needs the use of his ATV for hunting purposes. He feels that people will continue to break laws if the laws are not enforced. Imposing additional restrictions will not accomplish anything.

Bob Minter Ada County Fish and Game League, commented on three issues: 1) Additional ATV restrictions in the Southwest Region would be difficult to enforce with existing manpower. The League suggestions including setting or encouraging sportsmen to observe a daytime retrieval of game; applying the restriction in phases to hunt units where conflicts occur rather than the entire Region; encouraging or using the hunting public to report violations and asking Parks and Recreation to make the ATV sticker larger. 2) The League was concerned about shortening the deer season to October 24 in units 22, 31, 32, and 32A. If it is needed for biological reasons, the League can support it. If it is to omit overlap of archery or rifle deer hunts, the League does not support it. 3) The League questions the need for reducing the antlerless whitetail season in units 23 and 24 by 3 weeks. They suggested keeping the general antlerless season open during the buck general seasons until October 31 in both units. League members would like the Department to revisit the elk A tag allowance in Units 23 and 24 of the McCall zone.

Grant Simonds, IOGA, urged the Commission to use 6% as the option for allocation. This would amount to 24 deer tags and 27 elk tags. They do not believe that historically licensed areas should be disqualified because an outfitter does not have historic use. The IOGA appreciates the new allocation flexibility that was approved at the January Commission meeting. Mr. Simonds also commented on the 2007 general mule deer season in Region 7. A compromise was worked out among reasonable sportsmen and outfitters in the Salmon and Challis areas and included Gary Power. Finally, the IOGA strongly urged the Department and Commission to move to a two-year planning cycle for mule deer management.

Billy Killion, changes made last year to the McCall Zone late cow hunt. The harvest data did not support a change, and the change benefited only muzzleloader hunters. He felt the change was made only at the request of the Idaho Muzzleloaders Association. This was done without public comment. Rifle hunters lost five days last year, and this year's proposal would eliminate another 7 days. Muzzleloader hunters and archery hunters seem to get preferential treatment. This creates contention.

Nate Helm, Executive Director of Sportsmen for Fish and Wildlife, Idaho, provided written comments to the Commissioners. SFW and the Blue Ribbon Coalition have worked together to find common ground on OHV issues. They recommend a mapping system and to look for ways to improve enforcement. Mr. Helm thanked the Commission for its efforts on wolf management. SFW supports efforts to document what is happening and justify delisting. SFW urged the Commission to continue to move forward. Mr. Helm drew Commissioners' attention to a letter from West Side Sportsmen's Association. This and other Southeast Idaho sportsmen's groups concur that doe hunts are not appropriate in SE Idaho for the benefit of that herd. They are concerned with the controlled hunt proposal because of the possibility of a concentration of hunters. They recommend a temporary 4-point restriction and taking time off. The Mini-Cassia chapter of SFW sent in concerns about the recovering deer herd in Unit 55.

Travis Bullock thanked the Commission for extending the bear baiting season at last year's meeting. He cautioned the Commission that the reduction in elk tags is working and they don't need to change. It looks like bulls are slightly increasing in age and deer are doing well. Mountain lions are doing well, and hunters had a good harvest. Mr. Bullock comment that he has not been in favor of preference points in the past. If a system is implemented, he would like to see a points squared system and would like to be able to buy points.

Ed Church testified that he was the youngest Forest Service Ranger in the history of Idaho. While stationed outside Atlanta in 1968 he befriended a wolf. Mr. Church's camp was attacked by a black bear, and he was saved by the wolf. He is not a hunter and would like to see wildlife including wolves protected. He offered to go out and feed the wolves if that is necessary.

Cherie Barton, Idaho Sportsmen's Caucus Advisory Council (ISCAC), provided the Commission with the mission statement, bylaws, and guiding principles of the ISCAC. This Council represents about 20,000 Idaho citizens. They have a voice at the statehouse and work with the Idaho Caucus. This legislative session, the ISCAC has addressed the issues of access, LAP, importation of domestic cervids, and others. If anyone is interested in joining, they can get the guidelines and more information from Ms. Barton.

Delbert Stafford, spoke on the change in the McCall Zone late cow hunt. He read a letter he wrote to the Commission regarding the change and requested that they reverse last year's action. There was no biological reason for the change and no valid reason to cut the number of rifle hunter permits and give them to muzzleloader hunters.

Joseph Peterson, Flying B Ranch, requested that the Commission look as far ahead on season changes as possible. Outfitters book things well in advance. He expressed his appreciation of the increased flexibility in outfitter allocation. Mr. Peterson commented that selling LAP tags rewards landowners for providing habitat and is essentially the same as auctioning off a Unit 11 sheep tag. LAP originally required reasonable public access. However, landowners don't want to be forced to allow access. Selling the tags allows properties that are closed to be opened to some hunting.

Brian Tingey commented that there is already a fair amount of ATV restriction. There are not enough resources to enforce additional regulations. ATVs represent a sizable investment and disabled veterans such as he needs them for hunting. They should not have that right taken away. Mr. Tingey also commented that he does not like the proposed points system.

Louise Stark, an outfitter, thanked Gary Power for working to come up with an alternative season structure in Region 7, and she urged the Commission to approve the proposal. She also would like the Commission to consider a 2-year regulation cycle for mule deer. It is difficult for outfitters to plan when the seasons change annually. The two-year plan still gives opportunity to gather the necessary data. Last year 23 outfitters had clients invested in trips who had to cancel. Ms. Stark also asked the Commission to consider adding sheep and goat to the bonus points system if it is implemented and goes well.

Barry Edmiston thanked the Commission for the concessions made to those who served in Iraq. He spoke on last year's hunting season change in the McCall Zone. Changes were

made without benefit of public comment and against biological recommendations. He feels the Commission created a general season for muzzleloader hunters, not a controlled hunt and is discouraged that the Commission approved this without public input. He read the proposed changes for this year and was encouraged but not satisfied. The proposal is an appeasement since the Commission took all away from the controlled rifle hunt and is only giving half back. Mr. Edmiston detailed his recommendation/request to correct the change.

Michael Scott commented that the Department and Commission took a bold step to implement the current ATV rule. While it hasn't stopped pioneering completely, it has made motorized users more responsive and responsible. He encouraged the Commission and Department to hold its ground on the ATV rule.

Blake Fischer pledged his support for the ATV rule and would like to see it be more restrictive. He does not want to invest in an ATV to hunt and feel that hunting is supposed to be hard. Mr. Fischer commented that he noticed a significant number of ATV abusers last year. He also supports the proposed bonus point system.

Tom Demorest, asked if a cow hunt was being added to the Middle Fork Zone. Brad Compton, State Big Game Manager, indicated that was a misprint in the proposal.

Commissioner Irby asked to submit a constituent letter into the record of public comment at tomorrow's meeting. Chairman Wheeler commented that anyone wanting to submit written comments to the Commission were welcome to do so.

Commissioner Watts recognized former Southwest Region Commissioner Dick Meiers who was in attendance.

Chairman Wheeler thanked attendees for the passion and the civility of their comments and noted that the Commission would review the comments the next morning.

The meeting adjourned at 8:25 p.m.

## **March 2, 2006**

Chairman Wheeler called the meeting to order at 8:05 a.m. Commissioners Gibbs, Wright, Power, Irby, McDermott, and Watts were present.

### **Agenda Changes**

The Wolf Management Update was rescheduled for 1:30 p.m.

Item #20. Upland Game Rule Draft Proposed Update was added to the agenda.

Commissioner Gibbs asked the Chairman to add Jack Howard of the IOGLB and Grant Simonds of the IOGA to the agenda at 2:30 to address issues and questions regarding outfitter allocation.

### **Review of Public Comment**

Chairman Wheeler noted the strong feelings expressed last night and the need to find some middle ground on the ATV rule. There is a lot of frustration on the part of law-abiding

people who don't feel additional restrictions are fair. There is need for a long-term plan on ATVs.

Commissioner Irby reported that he talked to the Senate Resource Committee on a North/South trail. He is surprised that there is a misperception that a person can hunt from an ATV. The Commissioner entered a letter into public comment from Holly Endersby of Backcountry Hunters and Anglers in support of restrictions on motor vehicles during big game seasons in order to protect wildlife and their habitat.

Commissioners concurred that they should address the ATV issue and involve BLM and FS representatives in a workshop. Commissioner McDermott commented that Utah seems to have a good plan. The Director noted that the Department addressed ATV management at the request of the hunting public because the biggest complaint about hunting has been with regard to the use of motorized vehicles. The Forest Service has been slow to address the OHV issue.

Commissioner agreed they need to clarify outfitter allocation with outfitters.

Commissioner Watts noted Joseph Peterson's comments regarding landowner tags.

Commissioners discussed the comments on last year's changes to the late cow elk hunt in the McCall Zone. Commissioner Watts explained the reasoning behind the change. The recommendation was to move the rifle season to the front end. He did not realize there was such a large following for that specific unit for rifle hunters. There are also a significant number of landowners with depredation issues who allow nonpaying clientele access to hunt. There is more going on in Unit 23 than was understood, and the change had unintended consequences. This year's proposals reflect reversing last year's changes to some extent.

Commissioner McDermott commented that Idaho has a tremendous amount of hunting opportunity and he does not see why the muzzleloader hunt needs to be separate. The Department's big game rules are already very complicated.

### **DIRECTOR'S REPORT**

The Director has been occupied with legislation and wolf management since the January Commission meeting. He drew Commissioners' attention to the Director's report briefing in the Agenda book and encouraged Commissioners to read the information. It is a good overview of issues and developments.

The Director passed around a news release from the US Fish and Wildlife Service (USFWS) announcing that Yellowstone Cutthroat Trout will not be listed. The Director gave kudos to the Fisheries staff who conducted extensive research to provide the justification for the USFWS to conclude that this listing is not warranted. The Director commented that the people of Idaho don't realize how hard staff works on these important issues.

The Director highlighted the summary of volunteer efforts. The Department started the volunteer program 15 years ago, and it has grown into a major effort. In 2005, volunteers donated 65,000 hours of time at a value of over \$1 million up by 6% from the prior year. In regions that have a volunteer coordinator, the program is doing great things. It does take

someone to organize the effort. He urged the Commissioners to think about that when considering priorities and how to allocate resources.

The Director noted that the proposed legislation that would have required state agencies to use anyone who volunteered did not go forward.

Commissioner Gibbs asked about the bird flu and how that might affect the Department. The Director explained that bird flu will most likely spread via migratory birds. USDA APHIS and IAFWA are working together on this issue, and Congress will provide funding. The Department is entering the monitoring program to sample waterfowl to determine where it may originate and how it will spread. It will come through the Pacific Flyway first, and the initial emphasis will be in Alaska. Once it becomes a human health issue that will take precedence on how it is managed. The Department's role now is to monitor migratory bird populations and sound the bell when and if the disease is detected. Commissioner Watts commented that the WAFWA mid-winter meeting had a comprehensive presentation that we can get for Commissioners.

## **MISCELLANEOUS**

### **Commission Reports**

Magic Valley Region. Commissioner Wright reported that it continues to be a good water year. Wildlife staff has been busy dealing with the elk situation at the Warm Springs Golf Course in Ketchum. The media has been supportive of the Department's philosophy and has portrayed the elk population as victims of development and rogue private feeding. The aerial survey of Unit 48 in the Wood River Valley found three times the elk as last year, and the elk are in good shape. The Region is not sure if the increase in numbers is redistribution or an actual increase. They are feeding elk at feedsites in the South Fork of the Boise River drainage but total numbers being fed are down. Wildlife research staff has begun trapping and radio collaring male sage grouse. MDI activities are going well, and local FFA programs are growing bitterbrush to plant in the spring. Fawn mortality continues to be low in study areas. Enforcement staff has been dealing with an influx of jackrabbit hunters from Utah due to the boom in rabbits. Officers have been issuing 8-10 citations per weekend to nonresident hunters who are hunting without licenses. Cassia County is now requiring violators to appear in person. SCO Greg Wooten is back from duty with the Army Reserve, and the Jerome vacancy has been filled, so the Region is almost back to full staff in enforcement.

Southwest Region. Commissioner Watts commented that there have been a few fawn mortalities recently, but fawn survival is excellent on the Boise Front and Emmett winter ranges. The Region has not done any emergency feeding this winter. The Region has a well-publicized criteria to trigger feeding. Fawn survival is mixed but good in some areas. In the Garden Valley area, survival is only 40% as of March 1. Staff has done aerial survey of elk in Unit 23, and the calf:cow ratio is way up. Survey in the Middle Fork Zone show that the bull:cow ratio is low. A new, previously unmarked wolf pack was found in the South Fork Payette River drainage. This makes five packs in that area. The Region is working with developers and county officials on how to help mitigate impacts of development on wildlife. Staff have completed habitat rehabilitation in the Boise foothills and the Rocking M

area, which is prime deer and chukar habitat. The largest sports show in Idaho starts today at the fairgrounds. The CAP trailer and booth will be there.

Salmon Region. Commissioner Power reported that mule deer aerial surveys showed buck ratios below objectives in the region. The Region harvested twice as many mule deer in the region than in past years. That caused concern about killing too many and that the season is too long. A group of Regional staff, outfitters, and sportsmen got together and reached some recommendations to resolve the issue. The Salmon is on the edge of habitat for chukars and mule deer. As you move further up, it's a marginal habitat situation. The Region lost about 52 % of fawns, and fawn weights were down. Elk numbers are doing well. Surveys in Middle Fork showed total numbers were down slightly but the number of adult cows and cow:calf ratio was good and the number of bulls was fair. There is no winter feeding going on right now expect for private feeding near Stanley. Steelhead fishing started out strong, but they had melt and water got brown. Fisheries is working with students on several projects. Idaho Power is expanding the Pahsimeroi Hatchery and there may be an opportunity to work with them to replace some ponds.

Panhandle Region. Commissioner McDermott reported that the biggest issue in the Region is Lake Pend Oreille. The Kootenai Valley Resource Initiative is working on ESA issues. The commissioner attended a recent meeting on sturgeon with approximately 100 people and representatives from Bonneville Power, Army Corps of Engineers, Defenders of Wildlife. Sturgeon are being lost due to impacts on Libby Dam on spawning areas. It was interesting to watch the interaction of those groups. There was a meeting on Lake Pend Oreille predator situation. The Region has only three years to address the lake trout and rainbow populations to save the kokanee population. Gill-netting is continuing on the Lake, and it is an emotional issue with a lot of public input. The snowpack is about as good as it gets, but the snow is up high. Deer are in good shape, and survey flights show the numbers are up. Cow:calf ratio is good and the bull ratio is up. The Region had four sportsmen's breakfasts, and the Commissioner attended three of those. There are a couple of controversies in the Region. One is between Priest River and Bonners Ferry over two controlled hunts. Staff is considering options. Mountain lion numbers are down some. The Commissioner commented that he is amazed at the amount of work the staff does. It is a very professional organization, and he has been impressed with the effort to try to take everyone's opinions and do something with them.

Clearwater Region. Commissioner Irby reported that steelhead fishing has slowed down to 26 hours a fish in the Clearwater and 13 hours a fish in the North Fork. Warmer weather should heat fishing up again. The Commissioner attended Nez Perce Tribe Executive Committee meeting to discuss the Lolo Zone wolf removal proposal. The Tribe feels that the proposal is premature and delisting should be allowed. They did strongly agree with the Department's request to land in wilderness to collar and monitor wolves. The Commissioner didn't feel the Tribal Council had been brought up to date with what the proposal was all about, and felt the Council left that day torn on what to do. Potlatch Corporation is still seeking avenues to continue allowing public access on their lands. They did put in three proposals for Access Yes. Commissioner Irby attended the big game public meeting in Orofino. There was not much attendance at the scoping meetings and there was little discussion on deer and elk management. Predator management was the main topic. One concern he heard about was the liberal backcountry mountain lion hunting opportunity. There is strong feeling to go back to one tag again. The Commissioner also attended the wolf proposal public hearing on February 7<sup>th</sup> in Lewiston. It was well attended with lots of

emotional testimony. There is a general lack of understanding of the proposal. Regional habitat staff is working with Farm Bill agencies on new CRP signups and extensions, which will add thousands of pheasant habitat acres on private lands. The Region will be planting 100 mountain quail in Salmon River country the second week of March.

Southeast Region. Commissioner Gibbs reported that the winter has been interesting. Snowpack is 130-150% of average, which is good news for irrigation and recreation. Snow levels indicate runoffs will exceed 100% of the 30 year average. Fishing should be better in the Region's reservoirs. Last fall, it was evident that there would be enough to hold water over from Chesterfield, and the Region stocked that reservoir. The Reservoir has had good ice fishing. The Region has worked with the County to keep the road plowed. There has been concern over the BLM road closure in Unit 72 where there is large wintering population of deer. There is a late season archery hunt, and the County Commission has indicated that as long as the season will be that late, they are not sure they will honor the BLM's request to close the gates. The Commissioner met with them a week ago, and staff met with them as well. There has been an issue in Unit 76 with elk between Montpelier and border junction. The Region has fed elk in the area the last two year to keep them out of domestic livestock feedgrounds and off the interstate. Two weeks ago, the Region started feeding. This has raised concerns about brucellosis, and the Department is now required to conduct testing. That elk herd continues to do very well and there are depredation issues that are being addressed. The other hot topic in the Region is whether to allow antlerless harvest. There is passionate opinion on both sides of the spectrum. Mark Gamblin, the new Regional Supervisor, is aggressively meeting people and doing a good job.

Upper Snake Region. Chairman Wheeler introduced Steve Schmidt, new Regional Supervisor. The Region is very pleased with the direction and optimistic. There is an emergency closing in conjunction with the BLM on winter Range on the South Fork. There has been a lot of human activity and disturbance including the shooting of deer. The public understands the situation and has been positive about the closure. Staff is working with the Forest Service on an aspen rejuvenation project, which will kick off on Arbor Day. The Region has a good relationship with the Forest and Forest Supervisor. The Region is working with BLM on new activity plan on the South Fork and other access issues. Enforcement worked a significant case in Fremont County against an elk poacher and got good publicity. With respect to surveys, most of the big game is doing well in all aspects. The only place with serious concern is the deer herd on Tex Creek. Tex Creek has 6,000 head of elk. The Region is working with the Southeast Region to try to harvest some of these animals before they get to Tex Creek. There are too many elk close to the city. The public meetings on big game seasons were uneventful. The Region is dealing with water rights issues on Mud Lake and the perch population. The jackrabbit population is booming and that may have an impact on antelope. Overall things are going well in the region.

Commissioner Gibbs reported on the Bear Lake water level. There will likely be a significant recovery this year, which will help irrigators and help Bonneville cutthroat with their migration up to St. Charles Creek for spawning.

Commissioner Watts commented on the Boise wolf proposal hearing. Only about 40 people attended through the course of the night, and it was uneventful. The majority of comments were pro-wolf.



## **CONSENT CALENDAR**

**06-18** Commissioner Irby moved and Commissioner Watts seconded a motion **TO APPROVE THE MINUTES OF THE JANUARY 11-13 MEETING AND THE LEGISLATIVE CONFERENCE CALLS FROM FEBRUARY 1, 8, 15, AND 22 AS PRESENTED.** The motion passed unanimously.

**06-19** Commissioner Irby moved and Commissioner Watts seconded a motion **TO APPROVE THE FINANCIAL REPORT AS PRINTED.** The motion passed unanimously.

## **REPORTS**

### **Legislative Update**

Sharon Kiefer, Legislative Liaison, updated the Commission on the key bills they have been discussing.

Bills on the House or Senate floor for third reading include:

- HCR 38, which expresses support for the Idaho Birding Trail.
- SB 1386 and 1387, which would extend the statute of limitations for certain violations.
- HB523, Department sponsored legislation to give the Commission surcharge authority to implement a bonus point system.
- SB1258 Department sponsored legislation to allow the Department to issue fishing permits to Directors of state long-term care facilities.
- A lobbying bill to require certain protocols for communications, which could impact the Commission and staff.

Bills on the House or Senate floor for second reading include:

- SB1266, to provide immunity from recreational trespass liability for private air strips. This was amended to refine the definition of an airstrip is to ensure that none of the larger airports that receive federal funding could participate in immunity. This poses no threat to the Department.
- HB596, which provides a new furbearer definition.
- SB 1385 which redefines the criteria for those who can receive a reduced fee license due to disability has passed the Senate. It is not on the House calendar yet.
- SB 1391, which allows the Commission to issue a free license and tag to a child with a life-threatening illness has passed the Senate and is before the House.

Other legislation in play includes:

- SJR 106, the Constitutional amendment expressing the right to hunt fish and trap, did not pass the Senate.
- HJM 10 and 11 on wolf de-listing and support to land helicopters in the wilderness to collar wolves passed both the House and Senate.

Ms. Kiefer provided Commissioners with a copy of Senate Bill 1420, a companion bill to SB 1282, which would roll back the cost of last year's senior license fee increase (Appendix 39, Exhibit 26). SB 1420 would reduce senior license fees and increase most of the rest of the Department's license fees by rounding them up to nearest dollar. Staff has provided an analysis of the revenue impact to the Department of both bills. The offset of the increase in SB 1420 still leaves the Department with a small financial deficit of approximately \$31,000. The Senate Committee will consider both bills.

Ms. Kiefer noted that last Friday, JFAC approved the Department's FY 2007 budget, with a reduction of \$300,000 from the Governor's recommendation.

One other bill of interest was the SB 1284 regarding volunteers. This legislation would have severely limited the Department's ability to choose volunteers. This bill is in the State Affairs Committee and is not expected to go forward.

Commissioner Wright commended Ms. Kiefer for doing a great job in her first year as legislative liaison and asked for her assessment of how the process has gone. Ms. Kiefer commented that it has been a learning process for her but has gone well. She reported that the internal website is fully developed. She and Communications staff are still working to get summary information on the external website for better communication. She is also still working on a tracking format that will be easy to follow and update. Ms. Kiefer commented that it has been helpful to have a more formal process. She has been asked by legislators whether a particular position is that of the Department or the Commission. It has been helpful to be able to point to a Commission position.

Commissioner Irby talked to Senator Schroeder on the fee bill and the concern that the proposal was not scoped with the public and would impact any fee increase opportunity next year. Commissioner Irby and Commissioner Gibbs commended Ms. Kiefer for her work.

Commissioner Watts cautioned the Commission not to overburden Ms. Kiefer by asking for increasingly more information. They should carefully consider how much external communication and advocacy the Department and Commission needs to do. The Director commented that the Department needs to let people know what the legislation is that could impact the Department and what the Commission's position is on that legislation. However, the Department is not going to get into an advocacy role.

Ms. Kiefer commented that the Department's relationship with the legislature has improved and they have used some of the staff analyses for their own purposes. They appreciate knowing there is a process.

Commissioners will discuss their position on SB1420 tomorrow after they have had a chance to review the bill.

### **Welcome Home**

Jon Heggen, Enforcement Bureau Chief, introduced Senior Conservation Officer Greg Wooten, who is a major in the Army Reserves. Greg has been a Conservation Officer for 14 ½ years and is a firearms instructor for the Department. Magic Valley Regional Supervisor Dave Parrish presented SCO Wooten with a plaque, and Gary Hompland, Magic Valley Regional Conservation Officer, presented Greg's wife, Bobbi, with flowers. SCO Wooten thanked the Department for its support.

## **RULES**

### **Big Game Seasons:**

Brad Compton, State Big Game Manager, noted that the Mule Deer Initiative Action Plan recommended biennial rules for administrative ease and stability in seasons. The regions were asked to show their commitment to moving in this direction by minimizing general season changes. This year's proposals include a large number of changes, but they are minor adjustments in permit levels and shifting of dates that would not have been necessary this year and could have been addressed next year.

Mr. Compton introduced Bruce Ackerman, Wildlife Statistician, who covered the results of the mandatory harvest report (Appendix 39, Exhibit 27). The Department sold 236,000 tags in 2005 to 156,900 hunters. Hunters are required to report within 10 days after harvest or after the end of the season. They can report by mail, fax, phone, or via the website.

The harvest report is a large project that lasts about six months. A contractor enters the data and provides it to the Department. The Department then conducts a phone survey to get data on those who have not reported. Roughly 50,000 hunters did not report. Reminder cards and letters were sent out to encourage reporting. If hunters don't report, there is a rule on the books that they cannot get a license the next year; however, this is not currently in effect.

Statewide harvest numbers are up a little for each species for 2005. Deer success rate was 41% (38% for regular and 51% for the new white tail tag). Statewide elk harvest success rate was 21% for the general tags. Statewide antelope harvest (general and controlled) success rate was 69%.

The Bureau hopes to increase use of the website to improve accuracy and efficiency. The survey's strong points are a high response rate, detailed data, and reporting choices. Additional improvement can be made in getting results sooner, and the Department created a raffle of 10 SuperTags to incentivize hunters to respond. Mr. Ackerman introduced Mike Elmer who is working on creating an integrated database for all big game data.

Commissioner Gibbs asked for further clarification of deer hunter success rates. The 41% success rate seems high. Success rate is determined by success of responding hunters.

The Director asked whether the Super Tag incentive was effective. Mr. Ackerman indicated that reports came in earlier this year as a result of the various reminders and follow up efforts.

Steve Nadeau, Large Carnivore Program Manager, provided an overview of bear and mountain lion statewide status (Appendix 39, Exhibit 28).

There are few recommendations for change for bear. Harvest objectives are being met across the state. Limited information is available statewide as bears are hard to monitor. Recommendations include: 1) Increase season length in Units 2, 3, and 5 to August 30-October 31 to make it consistent with surrounding units. 2) Allow bait to be placed up to 7 days prior to the bear take season in the Lolo Zone.

Mountain lion populations are also difficult to measure. Weather conditions impact success rate. If hound tracking conditions are good, success increases. In some areas of the state, lion hunters are concerned about over-harvest. Recommendations include: 1) Standardize dogs prohibited seasons in the Magic Valley region to October 1- November 30 and 2)

Closely monitor declining harvests and age structures to determine if harvest should be reduced in the future.

Commissioner Irby asked to have Regions 1 and 2 get together to address the hound hunting issue. Mr. Nadeau indicated that backcountry units are set up for nonresidents so that hunters would not be concentrated in easy access areas. Only 70 statewide hound hunter permits are allowed and include limits as to specific places to hunt.

Brad Compton provided a statewide update for Pronghorn Antelope, white-tailed deer, mule deer, and elk (Appendix 39, Exhibit 29).

Pronghorn populations peaked in the late 80s and early 90s and have come down since then presumably due to drought. Because of low density and dispersed populations, surveys are not cost effective or efficient; thus, limited information is available. Recommendations are based on success rates (which have been relatively unchanged), percentage of male vs. female harvest (has been relatively stable to increasing for males), and field observations that indicate populations have been increasing. Transplants from Utah have had limited movements and good survival. Idaho's population is estimated at 11,000. Wyoming has an estimated pronghorn population of 450,000.

White-tailed Deer harvest has been increasing over last 30 years. The number of southern Idaho mule deer hunters going up to hunt the Clearwater has come down. There has been a slight increase in harvest as white-tails expand their range. The primary management criteria is the percentage of 5 points in the harvest. Idaho is meeting or exceeding those objectives throughout white tail range. The implementation of the white-tail tag last year went relatively well in the Clearwater Region. There is room to improve in explaining what can and can't be done with various tag types. Populations continue to expand, and the Bureau will begin collecting species specific hunter effort. White tail hunting provides diverse opportunities with trophy opportunity widely available.

Commissioner McDermott left the meeting at 11:45 a.m.

Statewide elk harvest for 2005 is in the top 7 of all time, due in large part to the addition in 2005 of about 2,000 antlerless tags statewide. There has been high harvest in nearly all regions.

The Chairman asked for some history on the Island Park population. Mr. Compton explained that in the early 90s, the Department went to spike only. The population grew quickly and exceeded objectives and permit levels were increased. That has taken effect, but bulls and cows are now below management objectives.

There is a mixed bag of populations. Calf:cow ratios are good throughout the state where that data is collected. Bull population objectives are below in the Clearwater and through Central Idaho. The elk management plan is working, and the number of bulls has stabilized.

Majority of state exceeds or meets population objectives. Staff marked over 300 cow elk last winter and has been tracking those animals. 84% are still alive, but statewide survival varies by area. In the Lolo Zone, survival is below 80%. This is where the most wolf mortalities have occurred, specifically 24% of the mortality has been due to wolves, which

represents about 1/3 of mortalities in the Zone. This compares to 28% mortalities through hunter harvest.

Commissioner Wright commented that the Commission and Department are managing the population for harvest but have no authority to manage wolves which have as much of an impact on the population in the Lolo Zone as hunters.

The Department is feeding about 750 elk for 2005/2006. The Magic Valley has the largest number of sites and feeds the most elk.

Total number of elk in the state is about 125,000, and the population is stable to increasing. Idaho is in the top four states for elk populations. The state could increase up to 300,000 based on biological carrying capacity. There is a diversity of hunting opportunity and good dispersion of trophy quality. All regions have trophy opportunities. Concerns include brucellosis and elk occupancy on important mule deer range.

## **REPORTS**

### **Wolf Management**

Jim Unsworth, Wildlife Bureau Chief, presented an analysis of public comment on the Wolf Management Proposal for the Lolo Zone (Appendix 39, Exhibit 30) and the written analysis prepared by Northwest Natural Resource Group LLC (Appendix 39, Exhibit 31).

Opportunities for comment included public hearings and written comment via regular mail or email. Over 42,000 written comments were received, and comments are still coming in.

The analysis broke comment into two groups – one is a summary of comment that was from the Defenders of Wildlife comment campaign. This accounted for 41,738 of the written comments received. Defenders of Wildlife had a form letter on the web and people could sign their name to the letter. They believe habitat is the major cause of the decline in elk populations in the Lolo Zone and that there is a lack of evidence that wolves are the primary cause of the decline.

The results indicated that the majority of those responding are opposed to the proposal. Conclusions that can be drawn from the comments are that wolves and wolf management are controversial. There are two primary camps – 1) those who support wolves and oppose any reduction, and 2) those who opposed reintroduction and support removal by any means. Other concerns cited include the role of predators in the ecosystem, the balance of nature, the habitat needs of elk, and political versus scientific decision making. People do recognize habitat across the board, and the responses showed understanding about wildlife in general. Mr. Unsworth commented that wolves are a national issues, not just a local or state wildlife issue.

Mr. Unsworth summarized additional elk population data that has been collected from recent aerial surveys. There has been an increase in the number of spikes and calves in unit 10 compared to previous surveys. Unit 12 is down across the board. Current estimates fall below minimum population objectives.

Scientific and other concerns identified from public comment include: habitat (elk decline occurred prior to when wolves became abundant and whether objectives are appropriate given current habitat conditions); cause specific mortality (the sample size is small, but lot of cows are collared); questioning of the model itself. Mr. Unsworth commented that the model did a fairly good job of predicting for Unit 12. The Department's monitoring was criticized on frequency of surveys. There was also criticism about the lack of a cost/benefit analysis in the proposal.

The peer reviews identified similar concerns. There was nothing unexpected in the peer review or in the public comments. Staff was surprised by the number of comments Defenders of Wildlife was able to generate.

Commissioner Wright asked about Idaho comment versus national comment. Mr. Unsworth explained that one of the problems with this format is that it doesn't collect information on responders.

Commissioners discussed the habitat issue. The Department is doing all it can to encourage the Forest Service to improve habitat conditions. Mr. Unsworth commented that no place in the country has a better elk data set than Idaho and no place has a better wolf data set in proportion to the population than Idaho does. Commissioner McDermott commented that Defenders of Wildlife wants Idaho to leave the population alone for 5 years. However, the state could have 2,300 wolves in 5 years, and the Department's customers want Idaho to manage wolves.

The Director commented that the strongest point in public comment was the issue of habitat. It is common knowledge that the Lochsa does not provide the best elk habitat currently. However, those who made that charge are the same groups who have opposed the Department's and the Forest Service's efforts to improve the habitat. The Department's objective with the proposal was to put together the best case possible.

Two things are clear from the study and modeling. 1) Taking 40 wolves out of the population in that part of the world won't be an easy task and it will take time to get that job done, but it will in no way compromise the reintroduction goals. 2) If we don't do something, the elk population will not recover.

The Commission's decision on whether to send the proposal to the USFWS at this time is a huge policy decision. The Nez Perce Tribe did a really good job of giving the Department insight into how to make the proposal better. The Director recommended taking a little time to address the main points of critique to improve the proposal. The USFWS will be litigated on this issue, and when that happens, the Department needs to have as strong a case as possible to help them. Even if the Commission sends the proposal as is today, it is highly unlikely that the Department would be able to take any action this winter. Realistically it will be next winter. The other issue is the serious consideration by the Secretary of the Interior to de-list the western population of gray wolves. Idaho continue to work with Interior on a plan for delisting the Yellowstone Park, Idaho, and Montana populations.

Jeff Allen with the Governor's Office of Species Conservation (OSC) thanked the Commission for the aggressive way they pushed the Department to act and thanked the Department for the diligence and effort. There is a need to maintain credibility. Delisting is the goal. Anything that we do before that will be used as exhibits in that case. Given the

public comment and the credibility of those comments, there is a need to take some time to make the proposal stronger. OSC has had some success in the delisting discussions and they are pushing hard on delisting.

Commissioner Wheeler commented that the 10(j) amendment was initially oversold. Mr. Allen, noted that the 10(j) is important to farmers and ranchers. Everyone knew the ungulate component was the most challenging part of the 10(j).

Commissioner Wright noted that the Commission promised constituents that we would do all we could to move forward with wolf management. Waiting to send the proposal for a month or two will not make a difference. He asked how responding to public comment would affect delisting efforts. Mr. Allen commented that it is prudent to show some response to the public comment. If the Department doesn't take the time to address valid points, opponents will use that as evidence to argue that efforts are politically motivated.

Commissioner Irby commented that the Department needs to move ahead and try to get something done. He asked Mr. Allen what Idaho can do to assure that the state can manage animals.

Commissioner Watts left the meeting at 2:30 p.m.

Mr. Allen explained that there are no assurances that the federal government will move on anything. States don't have the ability to dictate to the federal government. Strategically over the next 2-5 years, Idaho needs to manage wolves on a statewide basis. It makes more sense to focus on delisting in the long-term. Commissioner Power commented that the Department needs to make the best case based on the science as possible.

Commissioner Wright commented that the science is excellent, and the Department has done all it could as outlined by the federal government. The Commission shouldn't wait another year to see what the federal government will do to raise the bar higher. Commissioner Power clarified that he was not suggesting the science was bad, but that the Department should make sure it is the best it can be before sending the proposal to USFWS.

Commissioners agreed that this is a very contentious issue, and Idaho needs to take the time to do it thoughtfully and carefully. It is critical to have good science and go through the process stipulated by the federal government. The Commission will make a final decision tomorrow on how to proceed.

## **RULES**

### **Outfitter Allocation**

The Chairman recognized Jake Howard, Director of IOGLB. The Licensing Board provided historical use figures to the Wildlife Bureau to assist in recommending an allocation for Commission consideration. The IOGLB has no preconceived expectations of the Commission's decision. Commissioner Gibbs met with several outfitters and Grant Simonds of the IOGA. They all understand how tags are allocated by the Commission and then distributed by the IOGLB.

Chairman Wheeler commented that there is concern about how the Commission's decision at the January meeting has been interpreted as a 6% allocation across the board. That was not the Commission's intent.

Mr. Howard indicated that the Board of IOGLB has not taken any position on it. They will accept the numbers the Commission approves. They understood the Commission's intent.

The Chairman recognized Grant Simonds, IOGA who commented that the outfitters and guides had advocated additional flexibility in the allocation of up 6% so that the Commission could consider one tag for an outfitted client in a hunt that has a maximum of 10 tags. They understand that allocation is discretionary and what the three options are. The IOGA supports fairness for all users.

Brad Compton explained staff's recommendations and provided a copy of the rule as adopted in January (Appendix 39, Exhibit 32). The recommendation before the Commission is 6% across the board including hunts requested by IOGA as being newly eligible for allocation. Staff is recommending 0 tags for areas that don't have licensed deer or elk outfitters and 0 tags for those that have licensed outfitters but have no historic use for the last 5 years. Allocation is recommended for those that have licensed outfitters and that show historic use. The net increase for elk is 47 and deer is an additional 25.

**06-20** Commissioner Wright moved and Commissioner Irby seconded **THAT UNLESS THE DEPARTMENT HAS BIOLOGICAL REASONS TO LOWER QUOTAS, THAT WE CONTINUE 2005 OUTFITTER ALLOCATION UNCHANGED AND THAT THE COMMISSION REASSESS METHODOLOGY FOR DETERMINING OUTFITTER AND GUIDES ALLOCATION BEFORE NEXT YEAR.** The motion carried unanimously.

Brad Compton clarified that all new outfitter allocated hunts are to be stricken from the draft regulations. There are one or two examples where changes in a regular controlled hunt would trigger changes in outfitter allocation and that those would be adjusted accordingly.

Chairman Wheeler indicated the Commission's intent to revisit this issue, but to go for the maximum allowed is not acceptable to the Commission.

### **Big Game Seasons:**

Mr. Compton continued with an update of big game status in the state (Appendix 39, Exhibit 29).

Idaho has about 300,000 mule deer. Harvest has increased slightly since the mid-90s. Most are harvested in the Southwest region. In the majority of areas, staff are counting more deer than in previous surveys. Fawn:doe ratios are a little lower this year even though there are almost ideal fawn rearing conditions. Fawn survival is expected to be highly variable this year. Mortality is mainly due to malnutrition but there is a wide variety of mortality causes. Survival and cause specific mortality show mule deer die for a wide variety of reasons. The Department is currently emergency feeding in three sites in the southeast. Populations are generally increasing but are still a concern in the Southeast Region. There are less trophy opportunities for mule deer in comparison to white-tailed deer and elk.



Mr. Compton went through highlights of the big game issues and season recommendations for each region (Appendix 39, Exhibit 33).

The Panhandle Region implemented the white-tailed deer tag and is experiencing increasing elk populations. Recommendations are to increase any-weapon antlerless elk hunting opportunity and increase muzzleloader either-sex elk hunting opportunity in Unit 4.

The Clearwater Region is dealing with deer and elk depredation and the Lolo Zone elk population. Recommendations are to increase antlerless deer harvest in Unit 11A and increase antlerless elk harvest in Unit 11, and eliminate antlerless elk harvest in the Lolo Zone.

The Southwest Region's issues include off-road motorized vehicle travel, escapement for bucks and bulls in the Weiser Zone, late-season deer hunter congestion in Units 23 & 24, and elk depredations in the McCall Zone. Recommendations include implementing the motorized vehicle rule in Units 22, 31, 39, and 40, shortening the deer season in several units, eliminating late-season antlerless white-tailed deer opportunity in Units 23, 24; and implementing late-season antlerless elk hunting in Units 23 and 24. Specifically for the McCall Zone (23-3), the Department's recommendation is to add 100 permits consistent with 2004. This was supported by public comment.

The Magic Valley Region's issues include declining buck quality in Unit 45; increasing deer populations in Units 54, 55; hunter congestion with overlapping buck & doe hunts; declining elk population in Unit 43; pronghorn, mule deer, and elk depredations; and rotating muzzleloader deer hunting opportunity. Recommendations include reducing harvest mortality of adult bucks in Unit 45, increasing antlered permits in Units 54 and 55, shifting antlerless deer seasons to avoid overlap with antlered seasons, reducing harvest mortality of elk in Unit 43, implementing hunts to reduce pronghorn, deer and elk depredations, and rotating traditional muzzleloader deer controlled hunt to Units 45 and 52.

In the Southeast Region there is ongoing concern about the mule deer population status (both numbers and buck:doe ratios); the Tex Creek elk, elk depredations, elk occupying important mule deer ranges, and demand for antlerless deer hunting opportunity. Recommendations include standardizing the deer season date; increasing antlerless elk permits in 66A and 76; increasing extra antlerless elk tags, including use during early seasons; offering either sex archery deer hunting opportunity; implementing youth only deer opportunity (1,000 permits for either sex).

The issues in the Upper Snake Region include the declining Island Park elk population, continued high numbers of elk at Tex Creek, brucellosis, and the Island Park deer population. Recommendations include reducing all Island Park elk hunts; implementing extra antlerless elk tags in Tex Creek; extending antlerless elk "A" tag season in Palisades Zone; and reducing antlerless and either sex deer permits in Island Park.

In the Salmon Region concerns include buck population status, urban/valley deer population, and limited youth opportunity. Recommendations include shortening the general deer season and offering an unlimited controlled hunt in 5 Units from October 25-31; loosening restrictions on antlerless deer controlled hunt; and implementing a new youth only antlerless elk hunt in 36A.

Staff does not have specific LAP mockups done. Have historically asked to adjust LAP permits commensurate with regular controlled hunt changes.

Mr. Compton went through corrections and additions to the rules mockup Commissioners were given.

Commissioner Gibbs noted that the Southeast would like to extend an antlerless elk hunt in controlled hunt area 74-X to keep pressure on that herd. Deputy Attorney General Dallas Burkhalter explained that extending a hunt into January poses an administrative problem in when you draw for tags. Legally there is a statute that says a license and permit is good January 1 through December 31. If the hunt is extended, it must be clear that it is a separate hunt and requires a new year's license and tag. The hunt can't be set to run from December 1 through January 31.

### **Executive Session**

**06-21** Commissioner Gibbs moved and Commissioner Irby seconded a motion **TO HOLD AN EXECUTIVE SESSION PURSUANT TO IDAHO CODE 67-2345(1)(f) TO DISCUSS LEGAL MATTERS.** The motion carried in a unanimous vote.

The Executive Session began at 4:33 p.m. and ended at 6:15 p.m. No action was taken.

The Commission recessed.

### **March 3, 2006**

Chairman Wheeler called the meeting to order at 8:00 a.m. Commissioners Gibbs, McDermott, Power, and Wright were present.

## **MISCELLANEOUS**

### **Hunter Education Award**

Dave Parrish introduced Dave Pinther from Rupert, Idaho, and awarded him a "Continuing the Heritage" print and a sheephead logo ring in recognition of his contribution to the hunter education program. Mr. Pinther has been teaching hunter education since May 1993.

Commissioner Watts joined the meeting at 8:03 a.m.

## **REPORTS**

### **Wolf Management**

Jim Unsworth reported that staff can have the proposal for the Lolo Zone revised and updated within a few weeks.

**06-22** Commissioner Wright moved and Commissioner Watts seconded a motion **TO IN A TIMELY FASHION AND NO LONGER THAN ONE MONTH REVISE AS APPROPRIATE AND THEN SEND THE FINAL RECOMMENDATION TO THE U.S. FISH AND WILDLIFE SERVICE TO PROCEED WITH IMMEDIATE AND APPROPRIATE MANAGEMENT OF WOLVES IN THE LOLO AREA.** The motion carried in a unanimous vote.

Commissioner Irby joined the meeting at 8:13 a.m.

## **RULES**

### **Big Game Season Setting**

Brad Compton reviewed staff recommendations for big game seasons.

Chairman Wheeler expressed his support for the recommendations for the Upper Snake Region.

With respect to the Salmon Region, Commissioner Power commented that the unlimited controlled deer hunt October 25-31 was worked out with outfitters and guides and the Department to address their concerns with pre-booked clients. He was comfortable with recommendations for the Region.

Commissioner Wright commented that there was some controversy over moving the deer season back to October 5<sup>th</sup> from the 10<sup>th</sup> to accommodate school in-service dates. Mr. Compton mentioned that the Bureau will send letters to all the school districts to let them know when the deer hunting season dates have been set. The Region is trying to grow more elk in Unit 43 and get a better count and there has been a demand to preserve and grow trophy hunts. He feels the Region's hunters are happy with the recommendations.

Commissioner Gibbs asked Region 4 has offered to throw Unit 56 in with the Southeast Idaho for an antlerless harvest. If Southeast Idaho does not have a general antlerless harvest, what would Region 4 do? Region 4 Supervisor Dave Parrish said they would throw it in with other southern units that have youth hunts. Mr. Compton provided some additional information and options.

There were relatively minor changes in the Clearwater and Panhandle Regions. Commissioners Irby and McDermott were fine with staff's recommendations.

With respect to the Southwest Region, Commissioner Watts commented that he worked closely with regional and wildlife staff on the big game season recommendations. He is fine with the recommended changes, but wanted to address the ATV recommendation separately.

The Commissioner provided the results of the ATV survey for the region (Appendix 39, Exhibit 34). He had expected to see a stronger opinion. Opinion at the open houses was strongly opposed to the rule more so than the random survey, which he felt had more credibility. Owyhee County has asked to be involved in OHV decisions. Given the comment and surveys, Commissioner Watts' recommendation is to hold off on any restrictions for the 2006 hunting season and make a deliberate effort to work with ATV owners/riders, the BLM and Forest Service, Parks and Recreation and sporting groups, as they have requested, to determine the best approach to control these vehicles enhancing the hunting experience for the hiker and so the Department and Commission can do our wildlife management job. If people decline to find a common solution or to work with the Department, then over the next year, the Commission will be forced to reduce hunting opportunity to protect the herd's health and survival.

**06-23** Commissioner Watts moved and Commissioner McDermott seconded a motion **TO POSTPONE ANY FURTHER RESTRICTIONS IN THE SOUTHWEST REGION FOR THIS YEAR AND THAT THE COMMISSION CONVENE A WORKING GROUP WITH THE DEPARTMENT OF FISH AND GAME, DEPARTMENT OF PARKS AND RECREATION, BLM, FOREST SERVICE, AND RELEVANT SPORTING GROUPS AS THE COMMISSION IDENTIFIES - BOTH ATV RIDERS AND HUNTERS -- AND LET THE GROUPS FIGURE OUT WHAT A CO-EXISTENT STRATEGY WILL LOOK LIKE. THE GROUP WOULD REPORT BACK NEXT YEAR SOME SOLID PROGRESS OR SOLUTIONS AND IF NOT, THE COMMISSION WILL REVISIT THE RESTRICTIONS IN A UNILATERAL FASHION.** The motion carried in a unanimous vote.

Commissioner Watts encouraged Commissioner Irby to be part of this process to address significant issues in his region. Commissioner Watts doesn't object to restrictions for the entire Southwest region and agrees that next to wolves, ATVs are the biggest complaint from hunters. He is even willing to go with restrictions in the entire region because something needs to be done. But, groups want a chance to work it out instead of having our restrictions placed upon them. To go with a few units would be perceived as slipping things along. The biologists make a good case that ATVs affect the wildlife and can demonstrate harm to the herds. Commissioner Watts is optimistic that one more year won't hurt the herds too much, and the Region can come back next year with a good, comprehensive recommendation. Commissioner Power commented that the Salmon Region is almost all restricted, and they haven't heard many complaints. It doesn't solve all the problems, but it has cleaned them up some.

Chairman Wheeler asked Commissioner Watts to gather and share information to help all Commissioners in dealing with this issue. Commissioner Watts suggested a statewide, facilitated role for the Commission with regard to sportsmen's groups, departments, and federal agencies. Commissioner Irby volunteered to participate. The Director commented that the Department received as much comment from those in areas with no restrictions as from those in areas that do have restrictions. Commissioner Gibbs commented on the need for stricter penalties for those who violate the rules. Mr. Compton mentioned that there is a statewide OHV working group made up of representatives from the Forest Service, Parks and Recreation, and the BLM who could assist. Tracey Trent is the point person for Fish and Game. Their primary efforts have been collecting information from hunters and ATV users and conducting educational efforts.

Mr. Compton reviewed recommendations for the Southeast Region and provided information on deer populations in the Region (Appendix 39, Exhibit 35). Commissioner Gibbs stated that the Region is barely at the threshold of minimum populations. Harvest is down considerably. The survey revealed that people in Southeast Idaho want to hunt deer every year. His recommendation is to allow archery hunting only for antlerless deer region-wide. He would like to put a small hunt in Unit 78 because of depredation or allow depredation hunts after the season is over for antlerless deer. Antlered hunting only in the unlimited controlled hunt in Unit 72 for the month of December. Short-range season in 68A any deer, and remain with antlered deer only in 70 and 73, 4 points and better, short season.

Mr. Compton explained that there is an opportunity for youth, either sex in Units 56, 70, 73, 73A, and 78. Commissioner Gibbs noted that he would accept 150 permits any deer in

those units for a youth hunt. Mr. Compton recommended that antlered restrictions apply to the youth hunt. The Commissioner accepted that recommendation.

The Commissioner noted that he has been approached by hunters who would like to see the Department continue to explore that pistols be included in short-range weapons. He would like the Department to explore that as well as the weapons technology issue.

Commissioner Gibbs covered a couple of issues on elk. The Commissioner recommended reducing the permit level from 200 to 100 in the greenfield hunt in Unit 76-3X from August 1-August 29. Mr. Compton will work with licenses to address extending hunts into January. The Commissioner also noted the concerns about the elk herd in the Bear River Zone. Mr. Compton commented that fairly dynamic things are happening with the elk in Southeast Idaho. The Department is still working on where we want elk and how many we want in certain parts of the state.

**06-24 Commissioner Watts moved and Commissioner Power seconded a motion TO ADOPT BY PROCLAMATION STAFF RECOMMENDATIONS FOR ALL SEVEN REGIONS WITH CHANGES NOTED FOR 2006 BIG GAME SEASONS (Appendix 39, Exhibit 36). THE TEMPORARY RULES WILL BE IN EFFECT UNTIL APPROVED AS PERMANENT RULES BY THE LEGISLATURE.** The motion carried unanimously.

Mr. Compton clarified that the motion included LAP changes proportionate to other changes.

Commissioners discussed addressing regulations every other year instead of every year. The Chairman indicated they would be willing to look at it, but they want flexibility and want to be involved.

Mr. Compton commented that staff would be prepared to present the plan for the statewide mule deer hunter survey at the next meeting and would welcome Commission input and collaboration on what information we need from the survey. The timeline is to conduct the survey within nine months.

Chairman Wheeler thanked staff for their work.

## **REPORTS**

### **Bonus Point System Update**

Craig Wiedmeier, License Section Supervisor, provided an overview of a potential bonus point system for controlled hunt drawings (Appendix 39, Exhibit 37). He covered how points would be accumulated and squared as well as how points would work on group applications. Species included in the bonus point drawings will be deer, elk, and pronghorn. Other species such as moose, sheep, goat, turkey, bear, and sandhill crane will remain unchanged as Idaho has the best drawing odds in the nation on those species.

The ongoing cost, based on current information, would be approximately \$210,000 annually. Start up costs of \$33,000 per year over the first three years of the contract are expected. The per application cost to applicants would be \$2.35. This assumes that the contractor would draw only for bonus point species. Applications would still be collected

through the automated license system, vendors, and IDFG offices. The contractor would verify eligibility and send out postcards to successfully drawn applicants. The contractor would provide an 800 number for questions and a website with individual information.

If additional species are added or if the contractor were to do all drawings, the annual cost would be \$390,000. This in addition to startup costs would result in a per applicant fee of \$4.05. The \$2.35 scenario has "hidden" costs that would be absorbed internally. The savings in staff time and equipment, etc. if a contractor were to do all drawings has not been estimated. If the Department keeps some work in house, it may require some newer computer equipment.

Commissioners discussed how complaints would be handled. Commissioner Wright noted that they did talk to System Consultants from Nevada who indicated complaints had gone down after the system was implemented.

The bonus points subcommittee held a recent conference call and discussed what to do with waiting periods. Considerations include public demand for point-only applications and the perception that some draw every year.

The timeline for implementation of a system depends on the outcome of the Department's pending legislation to give the Commission authority to assess a surcharge. From there, the public will need an opportunity to see the details of points system and additional legislation to set the fee will likely be needed. Commissioner Wright commented that the subcommittee would like to keep the system as simple and efficient as possible. Staff will present pros and cons on whether to have a contractor do all the drawings and will make a recommendation to the Commission at a future meeting.

### **License System Update**

Jim Lau provided an update on the Request for Proposals (RFP) process for a new license system. The RFP is now out, but there was longer than anticipated review time at the Department of Administration and the Attorney General's office, so the Department's timeline has been delayed about 30 days. The deadline for response is now March 17. The vendors who have expressed interest expressed concern about the complexity of the system and the timeframe of implementation by December 31, 2006.

Staff have had dialog with GTECH, who has agreed to extend the existing contract if needed for up to 120 days. In return, the Department would agree to resolve the Memorial Day system performance dispute and accept GTECH's proposal for a small cash settlement. Staff concluded this is a fair resolution and a prudent business decision. The alternative is to enter into a prolonged legal dispute. In light of the concerns from potential new vendors and the timing of the GTECH contract expiration, which coincides with a new license year, staff recommends putting an agreement in writing with GTECH to extend the contract and settle the dispute over the system failure. Commissioners directed that the Department proceed with this agreement.

Commissioner Irby commented that the Commission needs to address the license structure. There is a tendency for the legislature and the Commission to create even more complexity. Chairman Wheeler commented that this is a valid issue and one that should be addressed at some point.

### **Fiscal Year 2008 Budget Direction**

Jim Lau presented an overview of current and future budget issues (Appendix 39, Exhibit 39). The Joint Finance and Appropriations Committee cut \$300,000 from the FY 2007 Budget. They did not want the Department have any new license-funded programs in the budget until license expenditures and revenues were brought into balance.

Mr. Lau pointed out that for the last four fiscal years the Department has overspent revenues. Historically, the Department has gotten less frequent larger fee increases. When those occurred, the Department could run for several years by building up cash in the first years after an increase and then using that cushion in the last few years.

The Department is expected to be around breakeven in FY 2007. In FY 2008, in order to generate positive cash, the Department would need between \$4-4.5million of additional revenue to fund salaries and wages. The 3% CEC increase will cost about \$1.1 million ongoing. Projections also assume a 2% increase in salaries and a 2% increase in inflation. Also projected for FY 2008 are a new license system, which could cost \$500,000 and \$600,000 in operating expenses related to a potential new headquarters facility. The lease on the 21,000 square foot Park Boulevard Building expires in June 2008. The Department is looking at alternatives. One option is to work through the Foundation to fund a new facility. This would increase annual operating \$600,000. Short-term this will entail more cash outlay, but long-term it is probably a good business decision. The main items impacting the FY 2008 budget are the ongoing CEC, the increase in benefit costs, and inflation. These are not expenses the Department can control. There is no additional funding for new initiatives or increase in support of existing initiatives.

Mr. Lau presented an overview of options to address the budget issues. It is not likely the Department will get more federal funding. The Commission has had discussion about selling some land holdings. The Department could draw down the fleet reserve as there is \$2 million that remains from the initial start-up. Another option is to use the budget stabilization fund of which there is \$3 million remaining. The Department could pursue a fee increase. And there is always the option of cutting programs.

Commissioner Irby commented that there is a rumor at the Statehouse that the Department has "extra" money available. The Director commented that JFAC noted in our budget presentation that we were and continue to be in a deficit spending mode with regard to license revenue. There is no basis in fact for this rumor. JFAC cut the budget this year to slow the Department's deficit spending.

If the Commission pursues a fee increase proposal, considerations include how long it would need to last, whether to build a cash reserve or maintain status quo, whether to tie the increase to a significant commitment or to use it for capital projects.

It has been understood that the Department will come back next year for an increase. The last increase was intended to catch up and to set the stage for an inflationary adjustment annually. The legislature wouldn't approve an automatic increase, but lawmakers did buy off on the concept of coming back more frequently for smaller increases. The last increase was not as much as the Department requested, and since then, the cost of a new licensing system, employee pay increases, and inflation have all increased. The Director would like to convene a group of sportsmen this summer and let them look at what programs and costs, and then have sportsmen go to the Legislature for an increase next January.

Commissioner Watts would like to look at how to create a fund to increase opportunity and access. He would like to see a budgetary framework around policy concepts. He commented that a few sportsmen groups have sent out questionnaires to candidates regarding their thoughts on providing General Fund money to Fish and Game for employee salaries and benefits. The Chairman commented that once you dip into the state general fund, your constituent base becomes all groups not just sporting groups.

### **2006 Chinook Salmon Run Forecast**

Bill Horton, Anadromous Fish Coordinator, provided a forecast on spring and summer Chinook salmon runs (Appendix 39, Exhibit 39). No salmon have crossed Bonneville Dam yet, but the fish are expected to start coming fairly soon. The forecast calls for approximately 34,000 fish comprised of roughly a third natural fish and two thirds hatchery fish. This compares closely to the 2005 run.

The Department did have a fishery last year based on similar numbers, and staff is optimistic that there will be small harvestable surpluses. Additional information is needed, and staff will come back to the Commission in mid-April with updated information to set seasons and limits if returns justify.

### **Fish Management Plan**

Steve Yundt, State Fish Manager, updated the Commission on the process and timeline for updating the 5-year Fish Management Plan (Appendix 39, Exhibit 40). Fisheries will bring public scoping results to the May meeting. Staff will then develop a draft plan for presentation to the Commission at the July meeting. The final draft will go out for public comment in August, and the final plan will be presented for Commission approval at the November meeting.

### **Disabled Hunter and Angler Opportunities**

Roger Fuhrman, Chief, Bureau of Communications, presented an overview of the Department's updated web page with information for persons with disabilities. The Web address is <http://fishandgame.idaho.gov/cms/wildlife/ada/>

Information on access, licenses, permits, etc. has been pulled together and put in one spot so that it is easy to find. Related links are included. Idaho's site is one of the more comprehensive sites available for this audience. Mr. Fuhrman has sent a link to the site to contacts at various organizations asking for feedback. USFWS commented that Idaho is well ahead of the curve for providing this information.

Commissioner Wright asked about progress coordinating with the Forest Service on access for hunters with disabilities to get behind locked gates. Mr. Fuhrman explained that every Forest Service ranger district has its own rules, and there are conflicting views within the forests. Because of this, the web site recommends individuals contact the ranger district in the area they wish to hunt.

Commissioner Gibbs asked if the group that was behind the legislation to expand the criteria for disabled license fees was aware of the efforts the Department has made in this area. Ms. Kiefer indicated that the letter written to legislators did include a reference to the web site.



The Communications Bureau will make efforts to publicize the web site.

Mr. Fuhrman also updated the Commission on efforts to clarify what the hunt from a motorized vehicle permit allows an individual to do. Mr. Fuhrman provided a brochure the Department has created for these individuals (Appendix 39, Exhibit 41). Bullets to highlight the most important points will also be included on the back of the hang tag that individuals receive as their hunt from a motorized vehicle permit.

### **Upland Game Rule Update**

Don Kemner, Wildlife Staff Biologist, updated the Commission on the proposed draft of the Upland Game Rules (Appendix 39, Exhibit 42). The Commission will set rules for upland game and furbearers at their May meeting. Commissioner Gibbs mentioned concerns about falconry rules.

## **MISCELLANEOUS**

### **Senate Bill 1420**

Ms. Kiefer provided a legislative analysis sheet on SB 1420 (Appendix 39, Exhibit 43). This proposes to offset the estimated revenue deficit from the senior license fee reduction bill (SB 1283) proposed earlier in the Senate Resources and Environment Committee. The Commission previously took a position to oppose SB 1283.

The companion bill SB 1420 would increase fees for most Department customers. The increase is not targeted as fee proposals typically are. This could impact a potential fee increase proposal for next year and create some resistance to new programs such as a bonus point system. The Department typically provides ample opportunity for the public to comment on fee increase proposals.

**06-25** Commissioner Gibbs moved and Commissioner Wright seconded a motion **TO OPPOSE SENATE BILL 1420**. The motion carried in a unanimous vote.

The bill's sponsor is aware of the Department's and Commission's concerns and position.

Mr. Kiefer commented that both SB 1283 and SB 1420 will likely be on the Senate Resources Committee calendar for discussion soon.

### **Letter to US Forest Service**

Commissioners discussed a draft letter to Dale Bosworth, Forest Service Chief, regarding the Department's request to land helicopters in the wilderness to radio collar wolves (Appendix 39, Exhibit 44). Commissioners agreed to add the Director's signature and to copy Assistant Secretary of Agriculture Mark Ray.

### **Miscellaneous**

Emergency rule making may be needed to harvest more rainbow trout in the Lake Pend Oreille system. If needed, staff will get proposals ready and schedule a conference call with the Commission.

Commissioner Gibbs requested that the Commission form a working group to resolve outfitter allocation issues. The group would include a member of the Commission, the

IOGLB, and Department staff. He also commented that the Commission should look at a framework for creating Director's tags to be used with Commission and Department consent for visiting dignitaries.

Chairman Wheeler commented that he would like to see more focus and thought regarding goals for the Mule Deer Initiative and that Regions 4 and 6 should have more input on surveys.

Commissioner Watts asked for clarification on the scope of the subcommittee on ATV issues. The Commission agreed that a pilot project is the best approach.

The meeting adjourned at 11:49 a.m.